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BEGINS DISTRIBUTION OF NEW LOAN FUND

Distribution of the new loan fund has begun, several allotments already having been made by Governor Froom to the various commissions and others being prepared to hand over to the commissions for proposed improvements just as soon as advertisements for tenders have been made and the tenders for the jobs have come in to the commissions.

One of the first allotments is \$5416 for the construction of the schoolhouse at Hana, Maui, the contract for the job having been let to Otto Oss for that amount.

The allotments to the various projects arranged by the Governor some time ago were only tentative, and the commissions that expect to get the money for them must "get busy" immediately, for it is to be a case of "first come first served," within certain limitations of course. The Governor does not care to repeat the experience of a year ago, when allotments were made for certain projects that were not in shape to make use of the funds, with the result that a large sum of money still remains in the territorial treasury unused. Hereafter the money will not be allotted to an improvement until the commission in charge is ready to make immediate use of the money.

Applications for allotments are coming in rapidly from the various commissions, and in almost every instance they are importuning the executive to grant them as much of the loan fund as possible. A place will be found for every dollar of the new fund by the time all the cash is on hand.

FLAG-RAISING PROGRAM AT LILUOKALANI SCHOOL

At a meeting of the committee at Elks Hall at noon today, the program for the flag-raising at Liluokalani school, Kaimuki, on Friday next at 1:45 p. m., was arranged as far as could be then. It is as follows:

1. Overture..... Hawaiian Band
2. Introductory remarks..... President H. C. Davis of Waialae, Palolo and Kaimuki Improvement Club.
3. Song..... School and Audience
4. Flag-raising.....
5. Song—"Red, White and Blue"..... School
6. Flag salute and drill..... School
7. Oration..... Charles A. Cottrell
8. Fraise—"Star Spangled Banner"..... Led by band

Admiral Cowles was unable to comply with the request for the services of the Marine Corps band, but through the kindness of Acting Bandmaster N. A. and Mayor Fern the Hawaiian band, although on its month's vacation, has been promised for the event.

Major Timberlake kindly granted the request of the committee for the services of two buglers to officiate at the hoisting of the national banner. Major Timberlake's young son will assist in the ceremony by handing the flag to the G. A. R. officer of the day. The Grand Army ritual for flag-raising will be performed.

Miss Needham, principal of the school, will cooperate with the club in carrying out the program. The flag salute and drill will be performed by pupils trained in those respects. Possibly a well-known soloist will lead in the song exercises of the school.

The committee wishes the residents of the district to display the national colors on the day of the event.

SETS DATE FOR HEARING MAHUKA SITE CASE

The next Mahuka site case will be called for hearing in Federal Court on Monday, October 21, and U. S. District Attorney Breckons says the court will doubtless be kept busy with these hearings from that date until the close of the present year. All the minor cases on the calendar are to be disposed of before the Mahuka cases are taken up.

The first to be called will be that of the Office Supply Company, with the condemnation of the O. E. Hall & Son site to follow immediately at the conclusion of that one.

POLITICAL NEWS AND NOTES

At a meeting of precinct club presidents at Democratic headquarters last night arrangements were made for the big mass meeting at Aala Park tomorrow night, which will constitute the opening gun of the campaign. There will be music by a Quintette Club, but the band will not be present owing to the fact that its members are on their annual vacation.

The meeting is called for the purpose of introducing the Democratic candidates to the electorate and those in the race will at this time announce their positions on questions of interest to the public. The list of speakers follows in the order named: C. J. McCarthy, Jack Kalakala, E. H. F. Wolter, T. J. Ryan, C. H. Rose, J. W. Asch, J. M. Poeppoe, S. S. Paxson, Kanio, A. J. Wirtz, W. P. Jarrett, Lester Perrie, W. H. McClellan, C. P. Laukea, Joseph Lightfoot, B. N. Kahalepuna, J. L. Coke, John Markham, M. C. Pacheco, J. J. Fern.

DOLE'S DECISION

(Continued from Page 1)

ject to the life interest therein of the said Irene H. Holloway, or the said John H. Estate Limited, as the assignee of her life interest."

For convenience, wherever used in this decision, the word Estate shall mean John H. Estate Limited; the word Irene, Irene H. Brown or Irene H. Holloway, as the case may be; the word George, George H. Brown; the word Francis, Francis Hyde H. Brown; and the word Children, the surviving children of C. A. Brown and Irene H. Brown, being the said George and Francis.

It appears that on April 7, 1894, after the marriage of the said Irene with the said C. A. Brown, and the birth of her three children, two of whom are now surviving in the persons of George and Francis, A. F. Judd, one of the executors of the last will of John H., deceased, the father of the said Irene, and one of her guardians, after being discharged as such guardian, brought a bill in equity before a circuit judge of the First Circuit, for himself and as next friend of the said Irene and her said surviving children, against the said C. A. Brown; and that thereafter, on August 10 of the same year, an amended bill was substituted therefor, with the same parties as plaintiffs and defendants, except that Sanford J. Dole, administrator with the will annexed and guardian, was joined therein as an additional party plaintiff. Such amended bill alleged, among other things, an omission in the copy of the will furnished by the court to the said A. F. Judd, whereby the said executors and guardians not being fully advised of the true nature and intent of the said will, procured their discharge as guardians of the said Irene upon her marriage; but that, upon becoming acquainted with the complete will, believed that they were thereby constituted not only executors of the will and guardians of the said Irene, but also trustees with the right to the control of her estate during her life; and that under and by said will provision was made for the children of said Irene and also for the support of said Irene, and it was important to obtain a construction of such provisions and the relative rights under said will of each minor child and the said Irene and the said C. A. Brown in and to the said estate, and to the income thereof, and the duties of the said trustees to the several beneficiaries aforesaid under said will, and prayed among other things, "that the terms and provisions of said will and the duties and obligations imposed upon the said A. F. Judd and S. B. Dole as aforesaid be defined and determined."

Comes Before Perry.
After proceedings before Judge Cooper, a circuit judge of such circuit, who resigned his office before reaching a decision, the matter came up before Judge Perry of the same circuit, who, on the 16th day of April, 1906, rendered certain questions of law to the Supreme Court, as follows:

1. Was a trust created in the property devised to Irene H. by the will of her father, John H.?
2. If such a trust was created, is the trust still in force, Irene having married, attained majority, and had issue of said marriage, which issue still survive?
3. If such a trust still exists, is the interest of Irene H. Brown under the same absolute or for life only?
4. If such a trust still exists, is it such a trust that the court will upon the proper motion order an immediate conveyance of the property to Irene H. Brown?
5. Has Irene H. Brown a fee simple title in said property, or is her estate one for life only?
6. Was an estate in perpetuity created by said will, and if so was its effect to vest the estate absolutely in Irene H. Brown?
7. If there are any remainders in said property, are they vested or contingent and in what person?
8. What legal and equitable estates have the several parties plaintiff and defendants under the will of John H. and the circumstances shown by the pleadings and evidence?

The Supreme Court, on the 4th day of May 1897, ruled that the first question should be answered in the affirmative; that as to the second question, the trust became extinct upon the marriage and majority of the devisee Irene, and that as to the fifth question the devisee Irene had an estate in fee simple in the property devised to her by her father's will. It was considered by the court that it was unnecessary to decide the other questions, in view of the rulings already made. No further proceedings appear to have been taken. The case was not remanded to the Circuit Court and no decree was entered in either court. This case will be hereafter referred to as the first case.

Bill in Equity Filed.
On the 27th of January, 1903, a bill was

in equity to declare and execute a trust was filed in the same Circuit Court by the said A. F. Judd, as next friend of George and Francis, minors, against C. A. Brown, John A. Magoon and Irene; which will, after narrating the history of the proceedings relating to the estate of the said John H., deceased, alleged that the said will directed that if the said Irene should die, having borne children, the said property should descend to her children, but that she should be the first heir, meaning and intending thereby that during her life she should have the use and benefit of the said property, and that her children, by virtue of said will, are "the absolute owners in fee" of the same, subject only to their said mother's life estate; and further alleged the divorce of the said Irene from the said defendant C. A. Brown, and the execution of a deed of conveyance by them of the "said property" in trust for the organization of a corporation to hold the same and to deliver one-third of the shares to the said Irene, one-third to the said Brown, and a third to the plaintiffs, which corporation was duly organized under the name of The John H. Estate Limited, and delivery of shares made accordingly, except that one share of those to be issued to said C. A. Brown was caused by him to be issued in the name of J. A. Magoon, one of the defendants hereto; and contended that the defendants held such shares subject to a trust that upon Irene's death the same shall be assigned to the plaintiffs.

The bill thereupon contended that no legal adjudication had been made of said questions of law, referring to the reserved questions upon which the Supreme Court had ruled as set forth above, for the following reasons, to wit:

1. No decree was made in any of such proceedings.
2. In all such proceedings, the children and Irene were represented by the same counsel, although their interests were conflicting.
3. No court which was organized as required by the Constitution of the Republic of Hawaii had obtained appellate jurisdiction of any of the said reserved questions of law.
4. The jurisdiction of the said Supreme Court concerning the construction of the said will, if it ever existed, ended upon its determination that no trust was in existence concerning the said property.
5. All matters of law arising and pending in the first case before Judge Cooper were required by law to be decided by him and by no other court or judge, and the same, nothing having been decided by him, were not lawfully presented or decided by any other court or judge.
6. There was no statutory or other authority to reserve questions of law in the first case for the opinion of the Supreme Court and such reserved questions of law did not lawfully come before such court, and so it had no jurisdiction thereof.
7. Judge Whiting's authority.
8. Judge Whiting of the Supreme Court had no constitutional authority to reorganize the Supreme Court, two of the justices thereof being disqualified, by installing two members of the bar of the Supreme Court to sit in their places for the decision of such questions.
9. After argument upon such reserved questions before such court, upon the withdrawal of one of such substituted justices, before an opinion was reached by such court, a new court to hear argument and decide such questions could not be lawfully organized.

The bill prayed, among other things, for an order restraining the defendants from disposing of the shares held by them as aforesaid, and that they be decreed to assign the shares held by them in a trustee in trust during the life of said Irene, to pay the income thereof to those entitled thereto and at her death to assign all of the said shares to the plaintiffs; and for general relief.

The bill was demurred to on general and special grounds, one of the latter being to the effect that "it does not appear that any of the property or estate of the plaintiffs was conveyed to said corporation either by them (Irene and C. A. Brown) or by any person purporting to act in their behalf."

The court sustained the demurrers on the ground that the deed of conveyance referred to, which was made a part of the bill, did not convey or purport to convey the estate of the plaintiffs in the "said property"—the estate of John H., deceased—supposing they had an estate therein.

The plaintiffs thereupon amended their bill by adding thereto averments of intention on the part of the grantors of the said deed or conveyance to convey to trustees for the organization of a corporation the fee simple of the lands devised by the will to the plaintiffs, and that the ownership in fee simple in such lands was claimed and exercised by the said corporation by virtue thereof; that the defendants claimed that the said proceedings and decision of the supreme court were conclusive upon the plaintiffs and forever barred them from setting up any title under the said will to the said lands, and that by reason of the

said decision of the Supreme Court, they have been deprived of trustees as provided by the said will for the protection of their interests as remaindermen, and that unless the invalidity of said proceedings and decision, and also the plaintiffs' titles therein claimed, be declared by the court, a cloud will rest upon their title, and their rights as such remaindermen may be subject to costly and difficult legislation.

It is admitted by all parties that Irene has had only three children—George, Francis and Bernice II, and that the latter died in infancy. By the Hawaiian law of descent of property, Irene and C. A. Brown, the parents of Bernice II, are her heirs.

A decree will be entered requiring the said fund of ten thousand dollars be paid to a qualified trustee satisfactory to this court, who shall be required to invest such fund and pay the income thereof, subject to proper charges, to Irene during her lifetime, and at her death to pay one-third of the principal and accrued interest to George or his representatives, and one-sixth to the representatives of the said Irene and one-sixth to the said C. A. Brown, or his representatives, with the contingent provision that if any other children should hereafter be born to the said Irene, such distribution to be made according to the interest of all her children and their representatives, under the rule set forth in the foregoing decision. The suggestion is offered that the estate, otherwise the John H. Estate, Limited, be named, in the decree as such trustee; and counsel will be heard on this point if they so desire.

M'DOUGAL FACES SERIOUS CHARGE

Wallace McDougall, well known about town, was placed under arrest and languishes at the central station with a charge of passing a worthless check against his name.

Chief of Detectives McDuffie was called upon by the management of a local cafe to seek McDougall, it being alleged that he visited the place and, after enjoying the hospitality of the restaurant, tendered a check on a Honolulu bank for ten dollars, in payment of his account.

The amount was deducted and change was given McDougall, but a day later it was discovered that the piece of paper was worthless in that it was backed up by sufficient funds at the bank in question.

The police allege that McDougall may have other and more serious charges to answer to before the law has taken its course.

McDougall is said to be well connected on the mainland. He has been a resident of Honolulu but a few months and is said to have traveled a pretty fast pace.

HUI UNIONA

(Continued from Page 1)

night, provided the members will accept him as one of their brothers. Kane Leavée Chair.

The conference of the hui uniona was called to order this morning at 10 o'clock in the Notley Hall with Kane in the chair. It was not very long however before he was supplanted by Wm. Mossman Jr., one of the leaders of the hui. Kane walked away from his seat and sat among the members in the hall.

There were present about 45 delegates from the different Honolulu branches in Hauula, Laie, Punaluu, Waikane, Ewa, Kahana, Kailua and Hauula.

According to present indications, no politics will be entertained by the members at their regular meeting to be held tonight in their headquarters on Queen street. Kane wanted a committee on platform appointed, but he was again beaten out by the members when they argued that no platform is necessary in the hui uniona meeting. James H. Boyd, who was appointed Hawaiian interpreter, said that the purpose of the meeting called by Kane should be made known to the members so that they could act wisely. Kane declined to disclose the purpose of the meeting, and in order to avoid the hui's entering political matters, the members decided to eliminate the committee on platform.

During the argument this morning Barron told Kane, the presiding officer, that he would not sit down on his orders by any means. Kane was indignant, but dared not say anything further.

When Barron was addressing the chair on the question of advisability of excluding the newspaper men from the meeting, Kane told him to sit down.

"Sit down, Mr. Barron," shouted Kane as he arose from his chair. "I will not sit down by any means," answered Barron.

"I believe," he continued, "that the newspaper men should be permitted to remain in this meeting, so that they can give full publicity to the work of our hui."

"I want you to sit down immediately," again shouted Kane.

"I will not sit down on your order. You can not make me sit down or shut up," concluded Barron.

The meeting was adjourned until 2:30 o'clock this afternoon.

Those present at the meeting this morning were Robert Parker, Waiapa, K. Kanama, Paulo Hokii, M. Kaana, Sam Kahele, D. P. Keawehaku, Geo. K. Kane, John Ala, Walter Kaiwi, David Kali, John Brown, Chas. Kane, John W. Kailiannu, William Noa Auli, John Huli, W. K. Kamai, Wm. Ahia, David Ahia, Kamanuawai, James Kapela, Charles Barron, Levi Kuhia, Benjamin Dole, J. H. Boyd, J. W. Makau, Chas. Hoomana, S. P. Kamakea, David K. Kaapu, Geo. Kekauoha, John

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OAHU SELLS HEAVILY AT 3-4 ADVANCE

Abundant proof of the strengthening of Oahu, mentioned in this paper on Saturday last, is given in today's stock list. No less than 795 shares of Oahu sold between boards at an advance of three-quarters of a point over last previous sale. Ten lots figured in the total, two of them 200 each and one 100, and the price for all was 26.25. Pioneer fell off one-half point for 30, 5 and 65 shares at 31. Hilo Railroad common was unchanged at 8.75 for 205 shares in recess and 5 and 40 shares on the board. Brewery held 22 for 18, 25 and 15 shares. One other transaction reported was \$3000 Hilo Railroad Extension sixes at 97.

Honokaa declined two and a quarter points in session sales of 50 and 10 shares at 8. Onomea dropped half a point in a sale of 10 shares at 57.75. Pineapple is without change at 44 for 5 shares.

DIAS POURS OIL ON RUFFLED PRECINCT WATER

J. P. Dias, Portuguese interpreter in Judge Monsarrat's court, acted a good Samaritan last night in his precinct of the fighting ninth, Fifth District, when he poured oil on the troubled waters among the members who have been thinking of demanding the immediate resignation of Solomon Mahelona from the secretaryship.

Those who have been preparing petitions for Mahelona's withdrawal from the secretaryship, told the Star today that it was through Dias' action that they withdrew their kicks against Mahelona last night.

According to the boys, they are willing to await further action against Mahelona, at least for the present until after the election is over.

Makalau Leads the List.
Sugar awaiting shipment on Hawaii includes the following consignments according to a report brought to this city today with the arrival of Purser Phillips in the Mauna Kea: Olan 6500, Onomea 3365, Hakalau 9574, Laupahoehoe 620, Hamakua Mill none, Pauhau 7000, Punaluu 2900, Honouapo 3900 sacks.

Assistant Superintendent of Public Works A. C. Wheeler leaves tomorrow on the Mauna Kea for a week's tour of investigation on the island of Hawaii. The wharf master at Honolulu has written to the board of harbor commissioners his opinion that the boat landing in course of construction at that point is too small for the volume of traffic that it will be expected to handle, and Wheeler will examine this case and make a report on it to the harbor commission. The Kahala homestead road at North Hilo, which has just been completed, will also be examined, as well as the new boat landings at Mahukona and at Napoosoo.

So said one of our Leading Ladies who called at our show room a few days ago in response to our invitation. And we could quote similar expressions from many other ladies to whom we have had the pleasure of showing the New Fall Hats.

Could we ask less than the mere opportunity of showing you these beautiful creations of the milliner's art? If we don't get your order now we feel sure that we will get it when you are ready for the new hat.

Kindly allow us to show you our elegant styles in millinery.

WANTS

WANTED.
The Honolulu Gas Co., Ltd., has an opening for two bright young men about eighteen years of age as meter readers. Good handwriting essential. Apply Alakea and Beretania. 5361-3t.

SITUATION WANTED.
Scotch girl wishes situation as children's nurse. Bulletin office. 5361-4t.

CONTRACTOR AND BUILDER.
Y. Kobayashi, general contractor, 2034 S. King; Phone 3365. k-5361-1y

BY AUTHORITY

SEALED TENDERS.
Sealed Tenders will be received by the Superintendent of Public Works up to 12 m. of Friday, October 18, 1912, for Constructing a Fence Line at Moiliili School, Honolulu, T. H. Plans, specifications and blank forms of tender are on file in the office of the Superintendent of Public Works, Capitol Building, Honolulu. The Superintendent of Public Works reserves the right to reject any or all tenders.

MARSTON CAMPBELL.
Superintendent of Public Works. Honolulu, October 8, 1912. 5361-10t.

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"BENJAMIN CLOTHES" owe their surpassing and exquisite finish to the fact that they are made by the highest talented designers and tailors, and in their own properly equipped work rooms.

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Y, OUR STYLES are certainly designed to please the most fastidious. And I can truly say they are by far the best looking hats I have yet seen in Honolulu. The artistic trimming and the finish and work is certainly a credit to any Millinery Department."

So said one of our Leading Ladies who called at our show room a few days ago in response to our invitation. And we could quote similar expressions from many other ladies to whom we have had the pleasure of showing the New Fall Hats.

Could we ask less than the mere opportunity of showing you these beautiful creations of the milliner's art? If we don't get your order now we feel sure that we will get it when you are ready for the new hat.

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